

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

15187 PLII

[Protest Alleging Awardee Is Unable To Comply With Contract Requirement]

B-200511

FILE:

DATE: October 16, 1980

J & F Machine Works, Inc.

MATTER OF:

DIGEST:

Whether awardee, which took no exception to solicitation requirements, performs in compliance with contract requirements is matter of contract administration which is not considered under GAO Bid Protest Procedures.

J & F Machine Works, Inc. (J & F), protests the award to Diesel Energy Products, Inc. (Diesel), under solicitation No. DLA700-80-C-4449 issued by the Defense Logistics Agency, Defense Construction Supply Center. J & F contends that because Diesel does not deal with Worthington Compressors, Inc. (Worthington), it is unable to comply with a contract requirement that Worthington parts be used.

Where, as here, an awardee takes no exception to solicitation requirements, whether the awardee performs in accordance with the contract requirements is a matter of contract administration which is the function and responsibility of the procuring activity. Precision Environments, Inc., B-198418, April 29, 1980, 80-1 CPD 306. If it is determined that the awardee is not meeting the specifications, the contract may be terminated for default. However, this is a matter for the procuring agency and is not one which we consider under our Bid Protest Procedures. Mainline Carpet Specialists, Inc., B-192534, May 8, 1979, 79-1 CPD 315.

The protest is dismissed.

Milton J. Secolar
Milton J. Secolar
General Counsel

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